SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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TIMOTHY MEADE, THOMAS MEADE and JAMES MEADE,

Plaintiffs,

-against-

THE ROCKEFELLER UNIVERSITY a/k/a THE ROCKEFELLER UNIVERSITY HOSPITAL f/k/a ROCKEFELLER INSTITUTE HOSPITAL f/k/a THE ROCKEFELLER INSTITUTE FOR MEDICAL RESEARCH f/k/a THE ROCKEFELLER INSTITUTE, THE ROCKEFELLER INSTITUTE, and BARRY DWORKIN, Ph. D.,

Defendants.

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Index No.

Date Filed:

SUMMONS

Plaintiffs designate New York County as the place of trial

Venue is based on the defendants' residence

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
August 20, 2019

Torgan Cooper & Aaron, P.C.

By: _____
Mitchell K. Aaron
Attorneys for Plaintiffs
17 State Street, 39th Floor
New York, New York 10004
(212) 232-2500

Goldstein & Bashner, P.C.

By: Neal Goldstein
Neal Goldstein
Co-Counsel for Plaintiffs
1178 Hempstead Turnpike
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Defendants' Addresses:

The Rockefeller University a/k/a The Rockefeller University Hospital f/k/a Rockefeller Institute Hospital f/k/a The Rockefeller Institute For Medical Research f/k/a The Rockefeller Institute
1230 York Avenue
New York, New York 10065

The Rockefeller Institute
1230 York Avenue
New York, New York 10065

Barry Dworkin, Ph. D.
Penn State College of Medicine
Department of Neural and Behavioral Sciences
700 HMC Crescent Road
Hershey, Pennsylvania 17033

SUPREME COURT OF THE STATE OF NEW YORK
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VERIFIED COMPLAINT

Plaintiffs, by their attorneys, Torgan Cooper & Aaron, P.C. and Goldstein & Bashner, P.C., complaining of the defendants, allege as follows:

1. This action is commenced timely pursuant to the Child Victims Act of the State of New York (S. 2440, A. 2683) and CPLR sections 208(b) and 214-g.

2. Plaintiffs Timothy Meade, Thomas Meade and James Meade are brothers and are respectively 53, 54 and 60 years of age.

3. Upon information and belief, at all times mentioned herein, defendant Rockefeller University a/k/a Rockefeller University Hospital f/k/a Rockefeller Institute Hospital f/k/a Rockefeller Institute for Medical Research f/k/a Rockefeller Institute is a not-for-profit corporation organized and existing under the laws of the State of New York, located at 1230 York Avenue, New York, New York.

4. Upon information and belief, at all times mentioned herein, defendant Rockefeller University Hospital (referred to herein as Rockefeller University Hospital" or "Hospital") is a division of defendant Rockefeller University and operates under its charter.

5. Upon information and belief, at all times mentioned herein, defendant Rockefeller Institute is a not-for-profit corporation organized and existing under the laws of the State of New York, located at 1230 York Avenue, New York, New York.

6. At all times mentioned herein, defendants Rockefeller University a/k/a Rockefeller University Hospital f/k/a Rockefeller Institute Hospital f/k/a Rockefeller Institute for Medical Research f/k/a Rockefeller Institute and the Rockefeller Institute are collectively referred to as "Rockefeller."

7. Upon information and belief, Rockefeller University Hospital was founded in 1910, and was originally called the Rockefeller Institute Hospital. It was a part of the Rockefeller Institute for Medical Research, which was founded in 1901. From 1958 to 1965, the institution was known as the Rockefeller Institute, and it has been known by its present name, the Rockefeller University Hospital, since 1965.

8. Rockefeller University Hospital is a leading national medical research institute funded by federal grant money, philanthropic donations from prominent donors, royalties from patents, and by borrowing money on the public market through the issuance of bonds.

9. Rockefeller University Hospital's prestige and prominence as a leading clinical research hospital was used to influence young and struggling families to get their sons treatment for "free" at one of the country's premier research hospitals.

10. Upon information and belief, Reginald Archibald, M.D. ("Dr. Archibald"), a pediatric endocrinologist, began working at the Rockefeller Institute for Medical Research (later, the Rockefeller University Hospital) as a visiting investigator in 1940, and at the Hospital as an assistant resident physician from 1941-1946. Dr. Archibald later returned to the Hospital as a senior physician and university professor from 1948-1980, with medical staff privileges at the Hospital until 1982. Defendant Rockefeller granted Dr. Archibald the honorary title of professor emeritus in 1980 and senior physician emeritus in 1987.

11. At all times herein mentioned, Dr. Archibald was an employee of defendant Rockefeller.

12. At all times herein mentioned, Dr. Archibald was an agent of defendant Rockefeller.

13. At all times herein mentioned, Dr. Archibald was associated with defendant Rockefeller.

14. At all times herein mentioned, Dr. Archibald was on the staff of defendant Rockefeller.

15. At all times mentioned herein, Dr. Archibald was acting within the course and scope of his employment with defendant Rockefeller.

16. Upon information and belief, defendant Barry Dworkin, Ph.D. ("Dr. Dworkin") is currently an Emeritus Professor in the Department of Neural and Behavioral Sciences at the Penn State College of Medicine.

17. Upon information and belief, Dr. Dworkin began working at the Rockefeller Institute for Medical Research (later, the Rockefeller University Hospital) sometime in the 1960s or 1970s.

18. At all times herein mentioned, Dr. Dworkin was an employee of defendant Rockefeller.

19. At all times herein mentioned, Dr. Dworkin was an agent of defendant Rockefeller.

20. At all times herein mentioned, Dr. Dworkin was associated with defendant Rockefeller.

21. At all times herein mentioned, Dr. Dworkin was on the staff of defendant Rockefeller.

22. At all times mentioned herein, Dr. Dworkin was acting within the course and scope of his employment with defendant Rockefeller.

23. Upon information and belief, Dr. Dworkin treated patients of Dr. Archibald who Dr. Archibald believed might suffer from structural postural defects, including plaintiff Timothy Meade.

24. At all times herein mentioned, defendant Rockefeller was responsible for overseeing, supervising and regulating all conduct engaged in and undertaken by Dr. Archibald in treating patients at Rockefeller.

25. At all times herein mentioned, defendant Rockefeller was responsible for overseeing, supervising and regulating all conduct engaged in and undertaken by Dr. Dworkin in treating patients at Rockefeller.

26. Commencing in or about November 1974, when he was 15 years of age, plaintiff James Meade became a patient of defendants Rockefeller and Dr. Archibald and received certain medical and endocrinological care, diagnosis and treatment from Dr. Archibald.

27. Commencing in or about September 1976, when he was 12 years of age, plaintiff Thomas Meade became a patient of defendants Rockefeller and Dr. Archibald and received certain medical and endocrinological care, diagnosis and treatment from Dr. Archibald.

28. Commencing in or about July 1977, when he was 11 years of age, plaintiff Timothy Meade became a patient of defendants Rockefeller, Dr. Archibald and Dr. Dworkin and received certain medical and endocrinological and scoliosis care, diagnosis and treatment from Dr. Archibald and Dr. Dworkin.

29. Plaintiff James Meade had at least five appointments with Dr. Archibald over the course of approximately four years, several of which involved traumatic sexual abuse and during which Dr. Archibald criminally sexually assaulted and sexually abused plaintiff James Meade without his consent, which he was incapable of giving because he was an infant at the time.

30. Plaintiff Timothy Meade had at least six appointments with Dr. Archibald and one appointment with Dr. Dworkin over the course of approximately three years, which involved traumatic sexual abuse and during which Dr. Archibald and Dr. Dworkin criminally sexually assaulted and sexually abused plaintiff Timothy Meade without his consent, which he was incapable of giving because he was an infant at the time.

31. Plaintiff Thomas Meade had at least five appointments with Dr. Archibald over the course of approximately three and one-half years several of which involved traumatic sexual abuse and during which Dr. Archibald criminally sexually assaulted and sexually abused plaintiff Thomas Meade without his consent, which he was incapable of giving because he was an infant at the time.

32. The examinations were performed by Dr. Archibald and Dr. Dworkin alone, without plaintiffs' mother, a nurse or anyone else present in the examination room.

33. At all times referred to above, Dr. Archibald and Dr. Dworkin worked for, were employed by, and acted as agents, employees, and servants of defendant Rockefeller and under its direct supervision, management, agency, and control.

34. Defendant Rockefeller represented to plaintiffs and their mother, other patients, and the community at-large that Dr. Archibald and Dr. Dworkin were safe, trustworthy, and of high moral and ethical repute.

35. Defendant Rockefeller implicitly represented that Dr. Archibald and Dr. Dworkin were not a sexual threat to their patients.

36. Plaintiffs and their mother had no reason to suspect that Dr. Archibald or Dr. Dworkin were anything other than competent and ethical physicians under the employ of defendant Rockefeller.

37. At all times referred to herein, plaintiffs were incredibly vulnerable and too young to know the difference between a legitimate medical practice and molestation.

38. During his examinations, Dr. Archibald required plaintiffs to remove all of their clothing in order to conduct a "physical exam," took nude and sexually explicit photographs, measured plaintiffs' genitals both flaccid and erect, required the then-young boys to sit on his lap with his arm around them so they were unable to move, repeatedly requested semen samples and obtained one, required plaintiffs to stand fully nude against a wall with bright spot lights shining and to hold out their palms out facing the camera, and required them to masturbate and/or masturbated them.

39. During his examination of plaintiff Timothy Meade for scoliosis, Dr. Dworkin forced plaintiff Timothy Meade to undress to his underwear, sit on his lap, ran his hand down plaintiff's back to his anus, made him remove his underwear, locked him in with his legs and his hand on plaintiff's back so he was unable to move, asked plaintiff if it felt good while squeezing plaintiff's buttocks with his hand and manipulated plaintiff's testicles and penis in an effort to get an erection, and when plaintiff was unable to become erect instructed plaintiff to put his clothes back on and escorted plaintiff out of his office.

40. Dr. Archibald and Dr. Dworkin's abuse took place in his office and the examination rooms at defendant Rockefeller's facilities.

41. Dr. Archibald and Dr. Dworkin used defendant Rockefeller's equipment while abusing his victims.

42. Upon information and belief, other Rockefeller staff members were aware of Dr. Archibald and Dr. Dworkin's sexual abuse at the time they were abusing children, including plaintiffs.

43. Upon information and belief, defendant Rockefeller was aware of the nude and pornographic photographs Dr. Archibald was taking of his victims while his victims were still patients of the Hospital.

44. Dr. Archibald and Dr. Dworkin carried out of all of these acts under the guise of providing "free medical" care at defendant Rockefeller.

45. Defendant Rockefeller had the authority, duty and the ability to prevent Dr. Archibald and Dr. Dworkin from sexually abusing plaintiffs, and from taking nude and pornographic photographs.

46. Defendant Rockefeller failed to do so, and affirmatively ignored Dr. Archibald and Dr. Dworkin's abusive behavior, allowing the abuse to occur and to continue unabated.

47. Upon information and belief, defendant Rockefeller never suspended, warned, terminated, or otherwise disciplined Dr. Archibald or Dr. Dworkin for this heinous conduct.

48. Had defendant Rockefeller reasonably supervised Dr. Archibald or Dr. Dworkin and investigated them regarding their abusive conduct, it would have prevented further abuse.

49. Upon information and belief, defendant Rockefeller conspired to conceal Dr. Archibald and Dr. Dworkin's wrongful acts, avoid and inhibit detection, block public disclosure, avoid scandal and negative publicity, avoid the disclosure of defendant Rockefeller's tolerance of child sexual molestation and abuse, preserve a false sense of propriety, and avoid investigation and action by public authority including law enforcement and ultimately prevent victims from seeking appropriate legal relief against defendants for injuries that were proximately caused by the heinous sexual assaults and related misconduct of Dr. Archibald and Dr. Dworkin.

FIRST CAUSE OF ACTION
(Negligence)

50. Plaintiffs repeat and reallege each and every allegation set forth above with the same force and effect as if fully set forth herein.

51. The acts of Dr. Archibald and Dr. Dworkin described above were caused by the negligence of defendant Rockefeller and its agents, servants and employees, who knew of

or should have known of Dr. Archibald and Dr. Dworkin's injurious conduct described above or their propensity to engage in the injurious conduct described above.

52. Defendant Rockefeller, and its agents, servants and employees, were negligent in failing to make adequate or appropriate inquiries with respect to the character, temperament, and temper of Dr. Archibald and Dr. Dworkin before permitting them to treat patients; in failing to place adequate restrictions on Dr. Archibald and Dr. Dworkin in treating patients of the Hospital; in failing to properly supervise Dr. Archibald and Dr. Dworkin while treating patients of the Hospital; in failing to properly investigate their actions while treating patients of the Hospital; in hiring and retaining them and permitting them to continue to provide treatment to patients of the Hospital; and in failing to terminate their employment and/or services notwithstanding the fact that they knew or should have known that Dr. Archibald and Dr. Dworkin were engaging in the injurious conduct described above or his propensity to engage in the injurious conduct described above.

53. By reason of the foregoing, plaintiffs sustained physical injuries and severe emotional distress and emotional injuries and have and will continue to suffer depression, anxiety, emotional distress, anguish and ridicule, embarrassment, humiliation and degradation, and have been greatly injured in their reputation and character and have been forced to abstain from the duties of their vocation and activities of daily living and have expended or will become obligated to expend sums of money for medical expenses, and were caused to suffer severe physical pain and mental anguish and loss of enjoyment of life as a result thereof.

54. The injuries sustained by plaintiffs were caused wholly and solely by reason of the conduct described above and plaintiffs did not contribute thereto.

55. Defendants' conduct as aforesaid was grossly, willfully and wantonly negligent and with reckless indifference to the health and safety of the plaintiffs and the plaintiffs therefore seeks punitive damages.

56. This action falls within one or more of the exceptions set forth in CPLR §1602.

SECOND CAUSE OF ACTION
(Medical Malpractice)

57. Plaintiffs repeat and reallege each and every allegation set forth above with the same force and effect as if fully set forth herein.

58. Defendants and their agents, servants and employees, for good and valuable consideration, rendered the aforesaid medical and endocrinological care, diagnosis and treatment to plaintiffs.

59. Defendants and their agents, servants and employees, undertook to follow approved medical and endocrinological diagnostic methods in general use; to follow standard and accepted medical and endocrinological diagnostic practices and procedures; to use ordinary and reasonable medical and endocrinological diagnostic care, diligence and skill; and to possess the requisite degree of learning, knowledge and skill.

60. Defendants, by their agents, servants and/or employees, were negligent and careless in their medical and endocrinological diagnostic care and treatment rendered to plaintiffs in that they deviated from standard, accepted and approved medical and endocrinological diagnostic practices, procedures and techniques in that they, among other things, failed to properly diagnose plaintiffs' condition; failed to properly treat plaintiffs' condition; failed to use ordinary and reasonable medical and endocrinological diagnostic

care, diligence and skill in accordance with standard and accepted medical and endocrinological diagnostic practices and procedures; and failed to possess the requisite degree of learning, knowledge and skill.

61. By reason of the foregoing, plaintiffs sustained physical injuries and severe emotional distress and emotional injuries and have and will continue to suffer depression, anxiety, emotional distress, anguish and ridicule, embarrassment, humiliation and degradation, and have been greatly injured in their reputation and character and have been forced to abstain from the duties of their vocation and activities of daily living and have expended or will become obligated to expend sums of money for medical expenses, and were caused to suffer severe physical pain and mental anguish and loss of enjoyment of life as a result thereof.

62. Defendants' conduct as aforesaid was grossly, willfully and wantonly negligent and with reckless indifference to the health and safety of the plaintiffs and the plaintiffs therefore seeks punitive damages.

63. This action falls within one or more of the exceptions set forth in CPLR §1602.

WHEREFORE, plaintiffs demands judgment against the defendants on each cause of action in the complaint in an amount which exceeds the monetary jurisdiction of all other courts which would otherwise have jurisdiction, including punitive damages, together with interest, costs and disbursements of this action.

Dated: New York, New York
August 20, 2019

Torgan Cooper & Aaron, P.C.

By: _____
Mitchell K. Aaron
Attorneys for Plaintiffs
17 State Street, 39th Floor
New York, New York 10004
(212) 232-2500

Goldstein & Bashner, P.C.

By: _____
Neal Goldstein
Co-Counsel for Plaintiffs
1178 Hempstead Turnpike
East Meadow, New York 11554
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Defendants.

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CERTIFICATE OF MERIT

Mitchell K. Aaron, an attorney duly admitted to practice law in the State of New York, hereby affirms the truth of the following:

We have reviewed the facts of this action and consulted with at least one physician who is licensed to practice in this State and whom we reasonably believe is knowledgeable in the relevant issues involved in this action, and we have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of this action.

Dated: New York, New York
August 20, 2019

Mitchell K. Aaron

VERIFICATION

Mitchell K. Aaron, an attorney at law, duly admitted to practice in the Courts of this State, affirms under penalties of perjury that:

I am the attorney for the plaintiffs in the action within; I have read the foregoing complaint and know the contents thereof; the same is true to my own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true. The reason this verification is not made by plaintiffs is that plaintiffs are not in the county where I have my office. The source of my information and the grounds of my belief as to all matters not stated upon my knowledge are investigations made on behalf of plaintiffs.

Dated: New York, New York
August 20, 2019

Mitchell K. Aaron